

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 151386

72

ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 SS-15 NSC-10

PA-03 USIA-15 PRS-01 /104 R

DRAFTED BY EB/AN:PJGLASOE:DAP

8/1/73 EXT. 20352

APPROVED BY EB/AN:WBCOBB

DOD/ISA/EUR - COL. BOWEN

J-5 - COL. ENGLISH

EUR/IB - MR. MARTIN

CAB - MR. MURPHY

L/EB - MR. WILLIS

EB/OA - MR. MEADOWS

----- 113152

R 012051Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY LISBON

LIMITED OFFICIAL USE STATE 151386

E.O. 11652:N/A

TAGS:ETRN, PO

SUBJECT:CIVAIR - PAN AMERICAN AT LAJES

REF: LISBON 2591

1. UNLESS EMBASSY PERCEIVES OBJECTIONS, IT IS REQUESTED TO TRANSMIT ANOTHER NOTE ON LAJES ISSUE, SUBSTANTIVE PORTIONS OF WHICH FOLLOW. FYI: FOR PUBLIC RELATIONS AS WELL AS OBVIOUS PRACTICAL REASONS, PAN AMERICAN NOT PLANNING REINTRODUCE LAJES SERVICE INTO ITS SCHEDULES FOR REMAINDER OF SUMMER SEASON. IT NEVERTHELESS REMAINS SERIOUSLY INTERESTED IN UTILIZING LAJES AIRPORT, PLANNING NOW TO START SUCH SERVICE NEXT SPRING. WE BELIEVE WE SHOULD CONTINUE CAMPAIGN TO OBTAIN GOP APPROVAL FOR USE LAJES, RATHER THAN DROPPING ISSUE AND TRYING TO RESURRECT IT NEXT YEAR.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 151386

END FYI.

QUOTE: ...REFERS TO THE PREVIOUS EXCHANGES OF NOTES ON THE SUBJECT OF PAN AMERICAN'S PLANNED SERVICE VIA LAJES AIRPORT, AS WELL AS THE INTERGOVERNMENTAL CONSULTATIONS ON THE SAME SUBJECT WHICH WERE HELD IN LISBON ON JUNE 11 AND 12 OF THIS YEAR. AT THE END OF THESE CONSULTATIONS THERE WAS STILL NO AGREEMENT BETWEEN THE TWO SIDES, BUT THE PORTUGUESE DELEGATION UNDERTOOK TO MAKE A FULL REPORT OF THE CONSULTATIONS TO ITS GOVERNMENT IN ORDER TO PROVIDE THE UNITED STATES WITH A DEFINITIVE STATEMENT OF THE GOVERNMENT OF PORTUGAL'S POSITION AFTER THE PRESENTATION OF THE UNITED

STATES DELEGATION HAD BEEN CAREFULLY REVIEWED.

IT HAS BEEN MORE THAN SIX WEEKS SINCE THE CONCLUSION OF THE CONSULTATIONS MENTIONED ABOVE, AND THE UNITED STATES AUTHORITIES STILL HAVE NOT BEEN APPRISED OF THE RESULTS OF THE GOVERNMENT OF PORTUGAL'S REVIEW OF THE MATTER. IN ORDER TO FACILITATE A PROMPT CONCLUSION OF THAT REVIEW, THE EMBASSY WOULD LIKE TO REITERATE IN OUTLINE THE POSITION OF THE UNITED STATES GOVERNMENT IN RELATION TO SERVICE BY A UNITED STATES DESIGNATED AIRLINE AT LAJES AIRPORT.

FIRST, THE US-PORTUGAL AIR TRANSPORT AGREEMENT OF DECEMBER 6, 1945, AS AMENDED, GRANTS TO US DESIGNATED AIRLINES THE RIGHT TO SERVE "THE AZORES". ALTHOUGH FOR MANY YEARS THE ONLY AIRPORT IN THE AZORES OPEN TO INTERNATIONAL COMMERCIAL SERVICES WAS SANTA MARIA, LAJES AIRPORT ON TERCEIRA WAS OPENED TO SUCH SERVICE BETWEEN PORTUGAL AND THE UNITED STATES WITH THE 1971 INAUGURATION OF SERVICE VIA LAJES TO BOSTON BY TAP. SINCE THE BILATERAL AGREEMENT CLEARLY DOES NOT RESTRICT US AIRLINE SERVICE TO THE SANTA MARIA AIRPORT, IT IS THE UNITED STATES OPINION THAT, UNDER ARTICLE 15 OF THE CHICAGO CONVENTION, THE GOVERNMENT OF PORTUGAL IS THUS OBLIGATED TO PERMIT DESIGNATED US AIRLINE SERVICE VIA LAJES. IT IS, OF COURSE, AT THE SAME TIME PERFECTLY LEGITIMATE FOR THE GOVERNMENT OF PORTUGAL TO ESTABLISH CONDITIONS FOR THE USE OF LAJES BY US AIRLINES WHICH MAY BE APPROPRIATE TO THE PARTICULAR SITUATION AT THAT AIRPORT, BUT SUCH CONDITIONS MAY NOT DISCRIMINATE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 151386

AGAINST SUCH US AIRLINES VIS A VIS TAP.

A SECOND PERTINENT POINT IS THE PROVISION IN THE US-PORTUGAL AGREEMENT FOR "FAIR AND EQUAL OPPORTUNITY FOR THE AIRLINES OF THE TWO NATIONS TO OPERATE ON ANY ROUTE BETWEEN THEIR RESPECTIVE TERRITORIES COVERED BY THE AGREEMENT..." IN THE JUNE CONSULTATIONS, THE UNITED STATES DELEGATION STRESSED THE FACT THAT THE ALREADY SIZE-

ABLE AND STEADILY INCREASING SHARE OF THE TOTAL AZORES-UNITED STATES MARKET WHICH IS SERVED FROM LAJES AIRPORT ON A MONOPOLY BASIS BY THE PORTUGUESE AIRLINE INDICATES CLEARLY THAT US AIRLINES ARE BEING DEPRIVED OF A FAIR AND EQUAL OPPORTUNITY TO OPERATE ON THE ROUTE BETWEEN THE AZORES AND THE UNITED STATES.

LASTLY, IN RELATION TO THE ISSUE RAISED BY THE PORTUGUESE DELEGATION CONCERNING THE ALLEGEDLY INADEQUATE FACILITIES AT LAJES AIRPORT FOR THE SERVICING OF ADDITIONAL COMMERCIAL OPERATIONS, THE UNITED STATES GOVERNMENT IS CONVINCED THAT SUCH FACILITIES ARE COMPLETELY CAPABLE OF

HANDLING A MODEST INCREASE IN COMMERCIAL ACTIVITIES IF APPROPRIATELY SCHEDULED. THIS CONVICTION IS BASED ON FIRSTHAND OBSERVATION AS WELL AS ON DISCUSSION OF THE SUBJECT WITH OFFICIALS AT THE AIRPORT.

AT THE CONCLUSION OF THE JUNE CONSULTATIONS, THE UNITED STATES DELEGATION NOTED THAT, WITHOUT PREJUDICE TO THE US CLAIM TO THE FULL EXERCISE OF RIGHTS AT LAJES BASED ON BOTH MULTILATERAL AND BILATERAL COMMITMENTS UNDERTAKEN BY PORTUGAL, THE UNITED STATES GOVERNMENT WOULD BE WILLING TO GIVE RECOGNITION TO THE PIONEERING NATURE OF THE PORTUGUESE AIRLINE'S SERVICE BETWEEN TERCEIRA AND THE UNITED STATES AS WELL AS THE SPECIAL SITUATION AT LAJES AND CONSIDER A SOLUTION TO THE PROBLEM ON A PRAGMATIC BASIS WHICH WOULD NOT DO INJURY TO THE INTERESTS OF EITHER SIDE.

THE EMBASSY URGES THE MINISTRY TO PROVIDE IT AT THE EARLIEST POSSIBLE DATE WITH THE RESULTS OF THE GOVERNMENT OF PORTUGAL'S REVIEW OF THE MATTER... END QUOTE. ROGERS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 01 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE151386
Document Source: CORE
Document Unique ID: 00
Drafter: PJGLASOE:DAP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730864/aaaabuye.tel
Line Count: 146
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 LISBON 2591
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 20 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20-Sep-2001 by rowellE0>; APPROVED <26 FEB 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IVAIR - PAN AMERICAN AT LAJES
TAGS: ETRN, PO
To: LISBON
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005